

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(Appellate Side)

CPAN 1655 of 2025
In
W.P.A. NO 3754 OF 2025

SHYAMA PADA MUKHOPADHYAY
VS.
DR. RAMANUJ GANGULY & ANR.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the applicant :Mr. Debajyoti Basu, Sr. Adv.
Mr. Shankar Ranjan Sen, Adv.

For the alleged contemnors :Ms. Koyeli Bhattacharyya, Adv.

Hearing concluded on : 12.06.2026

Judgment on : 12.06.2026

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of learned advocates representing the applicant and alleged contemnors.
2. It is contended in the contempt application that order passed by this Court on 5th March, 2025 stood violated since alleged contemnors could not

complete the disciplinary proceeding within stipulated period of six months as directed by this Court while disposing of connected writ petition. Mr. Basu, learned Senior Advocate representing the applicant submits that failure to conclude the disciplinary proceeding within a period of six months as per order dated 5th March, 2025 is fatal and amounts to willful and deliberate violation of the order dated 5th March, 2025, consequently disciplinary proceeding initiated against the applicant cannot survive.

3. On the contrary, Ms. Bhattacharyya, learned advocate representing alleged contemnors has disputed the case made out in the contempt application and has submitted that order of this Court dated 5th March, 2025 is complied with by taking steps to conclude disciplinary proceeding. She submits that on previous occasion taking note of such submission made on behalf of the alleged contemnors direction was given to file affidavit of compliance. Accordingly affidavit of compliance was affirmed on 5th March, 2026 and same was filed before this Court.

4. In order to examine whether there is willful and deliberate violation on the part of alleged contemnors in complying with the direction as contained in order dated 5th March, 2025, this Court finds it apt to consider the facts disclosed in the affidavit of compliance.

5. It is averred in affidavit of compliance that audit report dated 5th March, 2025 was received by the Board from Additional District Magistrate, Bankura pointing out defalcation of fund at the instance of the applicant and based on said audit report show-cause notice was issued on 12th August, 2025 to the applicant which was replied to vide letter dated 21st August, 2025 by the applicant. Alleged contemnors being dissatisfied with response

to show-cause notice dated 12th August, 2025, issued charge-sheet against the applicant on 10th September, 2025.

6. Though in affidavit of compliance it is not disclosed that when petitioner replied to charge-sheet dated 10th September, 2025 but it is submitted on behalf of the applicant that charge-sheet was replied to vide letter dated 30th September, 2025.

7. It is further averred in affidavit of compliance that vide memo dated 17th October, 2025 Inquiry Officer and Presenting Officer were appointed to examine veracity of the charges leveled against the applicant. Thereafter second show-cause notice was issued vide memo dated 21st January, 2026 indicating proposed punishment. In paragraphs 7 and 8 of affidavit of compliance, it is averred that applicant was required to respond to second show-cause notice by fourteen days from date of receipt of second show-cause notice but that was not responded to within said time. Alleged contemnors issued reminder vide memo dated 20th February, 2026 requesting the applicant to submit a reply to second show-cause notice. In the same breath, it is also disclosed in paragraph 9 of affidavit of compliance that on 14th February, 2026 applicant gave reply to second show-cause notice. On receipt of reply to second show-cause notice, alleged contemnors took certain steps in connection with disciplinary proceeding.

8. It is true as contended on behalf of the applicant that alleged contemnors could not complete the disciplinary proceeding within the stipulated period of six months as fixed by this Court vide order dated 5th March, 2025, but issue needs to be considered herein whether delay

occurred in completing disciplinary proceeding amounts to willful and deliberate violation of order dated 5th March, 2025 or not.

9. Vide order dated 5th March, 2025, alleged contemnors were directed to complete the proceeding by six months to be reckoned from date of passing said order and in compliance therewith alleged contemnors took certain steps relating to disciplinary proceeding and ultimately issued second show-cause notice on 21st January, 2026. Therefore, though there was failure on the part of the alleged contemnors to comply with the order passed by this Court on 5th March, 2025 in its true letter and spirit, but it can be inferred that effort was made by alleged contemnors to conclude the disciplinary proceeding and as such it is found that there is no willful and deliberate violation of the order dated 5th March, 2025 on the part of the alleged contemnors.

10. In aforesaid conspectus, it is not held that alleged contemnors willfully and deliberately violated order dated 5th March, 2025 passed by this Court in connected writ petition. Hence, contempt application stands dismissed and contempt proceeding stands dropped.

11. However, this order shall not preclude the applicant to question the steps taken by the alleged contemnors to conclude the disciplinary proceeding.

12. Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)